

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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|---------------------------|---|-------------|
| DONALD RAY MORGAN, |) | |
| |) | |
| Petitioner, |) | |
| |) | 1:20CV965 |
| v. |) | 1:14CR194-1 |
| |) | 1:14CR414-1 |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 10, 2021, was served on the parties in this action. Petitioner filed an objection to the Recommendation. (Doc. 50 in case 1:14CR194; Doc. 40 in case 1:14CR414.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination, which is in accord with the Magistrate Judge's report. Petitioner's objections are without merit and, beyond that, any effort to amend the section 2255 motion to add a new ground for relief is denied as futile because it is both time-barred and meritless. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Government's motion to dismiss (Doc. 41 in case 1:14CR00194-1; Doc. 31 in case 1:14CR00414-1) are GRANTED and that Petitioner's motion (Doc. 33

in case 1:14CR00194-1; Doc. 23 in case 1:14CR00414-1) to vacate, set aside, or correct sentence be DISMISSED. A judgment dismissing this action will be entered contemporaneously with this Order.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

January 12, 2022